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DEPARTMENT FOR CA; DHS FOR VISA WAIVER PROGRAM OFFICE; FBI
FOR TERRORIST SCREENING CENTER

E.O. 12958: DECL: 11/27/2024
TAGS: [CVIS](#) [PREL](#) [PGOV](#) [PTER](#) [AU](#)
SUBJECT: VISA WAIVER PROGRAM (VWP): AUSTRIAN INTERIOR
MINISTRY PROPOSES WAY FORWARD

REF: VIENNA 1431

Classified By: Econ/Pol Counselor Dean Yap. Reason: 1.4(b) and (d).

¶1. (C) Summary. The Austrian Interior Ministry has suggested that Austrian experts could put forward specific ideas on the text of the draft PCSC agreement during their proposed Washington visit. Although this would be outside a formal negotiating process, it would move the substantive discussion forward and focus the Austrian side on the specifics of the agreements. End Summary.

¶2. (C) In their introductory meeting in Interior Minister Fekter's office, Amb. Eacho and the Minister had a lengthy discussion on efforts to negotiate the PCSC and HSPD-6 agreements. The Ambassador began by requesting the Minister's help in getting negotiations started, noting that the lack of progress could endanger Austria's status in the VWP. Fekter replied that she shared the U.S. interest in concluding the agreements and reported that the matter had been discussed at high levels. However, she indicated, because Austria's data protection authority (DPA) is an element of the Chancellor's Office, her influence was limited. Fekter, with support from International Affairs Director Wilhelm Sandrisser, detailed the many ways Austria has worked to enhance international counter-terrorism cooperation, including through its early role in the negotiation of the EU's Pruem agreement and its development of one of the world's largest DNA data bases.

¶3. (C) Fekter stressed the political and cultural roots of Austria's strict approach to data protection, and acknowledged that she and her Ministry were also frustrated by the general view in the public, media, and political class that "if there is a possibility that data could be misused, it is better not to use it." With regard to the two VWP-related agreements, she noted the EU's concerns about equal treatment of its citizens (e.g., in redress proceedings) and about the reliability of U.S. security measures for personal data.

¶4. (C) Emphasizing Austria's desire to move forward, Fekter noted Austria's proposal for an experts' visit to Washington. Amb. and Econ/Pol Counselor reported Washington's concerns about another round of informal consultations outside a negotiating mandate. Director Sandrisser suggested that it might be possible to arrange for a visit that served more than an information gathering function. He thought the Austrian DPA might be willing to offer, albeit informally, some specific thoughts as to weaknesses it sees in the draft PCSC text and ideas on how to address them. Amb. Eacho and Econ/Pol Counselor offered to convey this idea to Washington agencies, noting that (provided the DPA would agree and that it is an option under Austrian law/regulations) it would move the substantive discussion forward, even if not in the

context of a formal negotiation.

15. (C) Comment. If the Interior Ministry's proposal is confirmed and accepted by the MFA (which we would expect) and the DPA, the Embassy would urge its acceptance by Washington agencies. Such a step would not only materially advance the specific discussion of the PCSC, but it would also amount to a de facto negotiation from which the Austrian DPA could only withdraw with difficulty. End Comment.
EACHO